

DOA: 3/26/2025

**UNITED STATES DISTRICT COURT**  
for the  
District of Arizona

United States of America	)	
v.	)	
Jose Carmen Marin-Esquivel	)	Case No. 25-9171 MJ
A #098 725 878	)	
	)	

*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about March 26, 2025, in Maricopa County, in the District of Arizona, the defendant violated Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien), an offense described as follows:

JOSE CARMEN MARIN-ESQUIVEL, an alien, was found in the United States at or near Phoenix, Arizona, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about May 27, 2005, and not having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien). I further state that I am a Special Agent with Homeland Security Investigations.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

AUTHORIZED BY: AUSA Addison Owen for SAUSA Sydney Yew

Continued on the attached sheet.

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OWEN  
Date: 2025.03.28 12:39:00  
-07'00'

**ARTEZ R BRISE** Digitally signed by ARTEZ R BRISE  
Date: 2025.03.28 12:49:37 -07'00'

*Complainant's signature*

Artez Briseno  
Homeland Security Investigations

*Printed name and title*

*Judge's signature*

The Honorable Eileen S. Willett  
United States Magistrate Judge

*Printed name and title*

Sworn to telephonically.

Date: March 28, 2025

City and state: Phoenix, Arizona

## STATEMENT OF PROBABLE CAUSE

I, Special Agent with Homeland Security Investigations Artez Briseno, declare under penalty of perjury that the following is true and correct.

1. I am a Special Agent with Homeland Security Investigations. I have learned the facts recited herein from direct participation in the investigation and from the reports and communications of other agents and officers.
2. On or about March 26, 2025, an individual was apprehended by Special Agents with the Homeland Security Investigations near Phoenix, in Maricopa County, in the District of Arizona. The agents performed an immigration inspection on the individual, later identified as Jose Carmen MARIN-Esquive who admitted to being a citizen and national of Mexico unlawfully present in the United States. MARIN-Esquive was transported to the HSI Phoenix for further processing. MARIN-Esquive was held in administrative custody until his identity could be confirmed and his immigration and criminal history could be obtained.
3. Immigration history checks revealed Jose Carmen MARIN-Esquive to be a citizen of Mexico and a previously deported alien. MARIN-Esquive was removed from the United States to MARIN-Esquive, through El Paso, Texas, on or about May 27, 2005, pursuant to a final order of removal issued by an immigration judge. There is no record of MARIN-Esquive in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to

return to the United States after his last removal. MARIN-Esquivel's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed criminal history related to multiple past immigration offenses. MARIN-Esquivel's criminal history was matched to him by electronic fingerprint comparison.
5. On or about March 26, 2025, Jose Carmen MARIN-Esquivel was advised of his constitutional rights. MARIN-Esquivel freely and willingly acknowledged his rights and agreed to provide a statement under oath. MARIN-Esquivel stated that his true and complete name is Jose Carmen MARIN-Esquivel, and that he is a citizen of Mexico and of no other country. MARIN-Esquivel also stated that he illegally entered the United States at or near Douglas, Arizona, on or about June 20, 2023, without inspection by immigration officials. MARIN-Esquivel further stated that he had been previously removed from the United States, and did not apply to the United States Attorney General or the Secretary of the Department of Homeland Security for permission to re-enter the United States after his last removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about March 26, 2025, Jose Carmen MARIN-Esquivel, an alien, was found in the United States at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States at or near El Paso, Texas, on or about May 27, 2005, and not having obtained the express consent of the

Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien).

7. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien).

ARTEZ R BRISEño  
Digitally signed by ARTEZ R  
BRISEÑO  
Date: 2025.03.28 12:51:28 -07

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Artez Briseno  
Special Agent  
Homeland Security Investigations

Sworn to telephonically on  
March 28, 2025

E.S.Willett

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The Honorable Eileen S. Willett  
United States Magistrate Judge